

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KIMBRA CRISWELL

Plaintiff,

v.

LYDIA ADAIR MCFADDEN

and

**CHRISTIANA CARE HEALTH
SERVICES, INC.,**

Defendants.

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C.A. No. 05-00321 GMS

JURY TRIAL DEMANDED

**PLAINTIFF'S REPLY TO DEFENDANTS'
MOTION IN LIMINE TO PRECLUDE PLAINTIFF
FROM PRESENTING PHOTOGRAPHS NOT IN EVIDENCE**

Kats, Jamison, van der Veen & Associates

Nelson Levin, Esquire
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Of counsel:

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Date: March 29, 2007

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ORDER

Having considered Defendants Lydia Adair McFadden and Christiana Care Health Services, Inc.'s Motion in Limine to Preclude Plaintiff from Presenting Photographs not in Evidence and Plaintiff's response thereto, it is hereby ORDERED this _____ day of _____, 2007, that Defendants' Motion is DENIED.

The Honorable Gregory M. Sleet

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MOTION IN LIMINE TO PRECLUDE PLAINTIFF
FROM PRESENTING PHOTOGRAPHS NOT IN EVIDENCE**

Plaintiff Kimbra Criswell hereby respectfully requests that the Court enter the attached Order denying Defendants' Motion in Limine to Preclude Plaintiff from Photographs not in Evidence. Plaintiff replies as follows:

1. Admitted.
2. Admitted in part; denied in part. It is admitted that Plaintiff's provided Xerox copies of five (5) color photographs. It is denied that additional photographs have not been provided. Attached hereto is a CD of Plaintiff's photographs.
3. Admitted. Attached hereto is a CD of Plaintiff's photographs.
4. Admitted. Attached hereto is a CD of Plaintiff's photographs.
5. Denied. Plaintiff presented color photographs of her foot at the time of her deposition. Attached hereto is a CD of Plaintiff's additional color photographs, some of which may be used at Trial.
6. Denied. Prior to Trial, Plaintiff will select and notify defense counsel which photographs depicted on the CD will be used at Trial. These photographs are for

demonstrative purposes only and depict no new condition which Defendants have not seen previously via color photographs and in person.

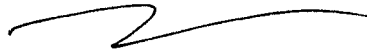
7. Denied. It is denied that Plaintiff's photographs of her leg and left foot, some of which have been previously supplied, is unfairly prejudicial. See Plaintiff's response to Paragraph 6, supra.

8. Denied. See Plaintiff's responses to Paragraphs 1-7.

WHEREFORE, Plaintiff Kimbra Criswell respectfully requests that this Honorable Court deny Defendants' Motion in Limine to Preclude Plaintiff from Photographs not in Evidence.

Respectfully submitted,

Kats, Jamison, van der Veen & Associates



Nelson Levin, Esquire
Of counsel: Richard R. Wier, Jr., Esquire

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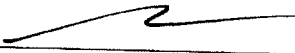
Defendants.

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CERTIFICATE OF SERVICE

I, Nelson Levin, Esquire, do hereby certify that on the 29th day of March, 2007, that two copies of Plaintiff's Reply to Defendants' Motion in Limine to Preclude Plaintiff from Presenting Photographs not in Evidence were served via electronic filing and delivered via e-mail upon Deborah J. Massaro, Esquire, 824 No. Market Street, Suite 902, P.O. Box 709, Wilmington, Delaware 19899.



Nelson Levin, Esquire

Photographs on CD hand-delivered to counsel.